

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT BOLES,

Plaintiff,

v.

GARY LEWIS, et al.,

Defendants.

Case No. 1:07-CV-277

Hon. Richard Alan Enslen

**ORDER**

This matter is before the Court on Defendants' Rule 12(b) and 41(b) Motions to Dismiss, and Defendant Fritz Jackson and Bradley Haynie's Rule 12(b) and 41(b) Motions to Dismiss. For the reasons discussed herein, Defendants' motions are both denied.

Defendants filed the present motions asserting that Plaintiff improperly effected service of the Summons and Complaint. Following the filing of the present motions, Plaintiff timely effected service in a manner consistent with the Federal Rules of Civil Procedure. Defendants' counsel acknowledged proper service, stating in her Appearance of Counsel that "it appears that these defendants have now been served in accordance with" the relevant rules. (Dkt. No. 19).

**THEREFORE, IT IS HEREBY ORDERED** that Defendants Gary Lewis, Daniel Case, J. Christiansen, M. Richardson, Unknown Teft and Lorenzo Lowery's Motion to Dismiss (Dkt. No. 6) and Defendants Fritz Jackson and Bradley Haynie's Motion to Dismiss (Dkt. No. 10) are **DENIED**.

DATED in Kalamazoo, MI:  
January 14, 2008

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE